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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/075,963 | 02/13/2002 | Mark Day | 50325-0635 | 9236 |
| 29989 | 7590 | 01/04/2006 | EXAMINER | |
| HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110 | | | NGUYEN, VAN KIM T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2151 | |

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,963

Applicant(s)

DAY, MARK

Examiner

Van Kim T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on October 12, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to communications filed on October 12, 2005.

Claims 1-17 are pending in the application.

Response to Arguments

2. Applicant's arguments filed October 12, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that "*James referred to by the Office Action disclose nothing about an application switching component nor anything that could relate to one*", see page 3: lines 3-4, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, James discloses an application switching component 36 which receives a request (col. 4: lines 12-20) from a requesting process 20 (e.g., commands entered through input device such as a keyboard 40 and a pointing device 42; col. 3: lines 15-17; send the request to a first application 200; and receives, at the at the application switching component in response to sending the request to the first application, error data that indicates the particular service extension is not available at the first application (col. 4: lines 12-62). Thus it meets the claims.

W3C's teaches that the SOAP message global attribute can be used to indicate whether a header entry is mandatory or optional for the recipient to process.

As shown in Figure 1-2, Preisig discloses a plurality of applications (e.g., **CLIENT** -- SOAP/POST/GET REQUEST; **MIDDLEWARE** – Router, DXX Admin. Servlet; and **SERVER** – Database), which in general can process data, including send and receive data. Preisig also discloses a decision tree that employs a logic to process request and route responses to appropriate server for execution (see claims 7-9). Thus it meets the claims.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al (US 6,904,600), hereinafter James, in view of Preisig et al (US 6,882,996), hereinafter Preisig, and further in view of W3C “Simple Object Access Protocol (SOAP) 1.1, hereinafter W3C.

Regarding claims 1, 7, and 13-16, as shown in Figure 1-2, James discloses a method comprising:

receiving (step 202), at an application switching component (36) from a requesting process (20), a request for a service among the similar services;

sending the request (steps 204-212) to a first application (200);

receiving (steps 214-216), at the application switching component in response to sending the request to the first application, error data that indicates the particular service extension is not available at the first application (col. 4: lines 12-62).

However, James does not explicitly call for the request including data indicating a particular service extension is mandatory.

W3C's teaches that the SOAP message global attribute can be used to indicate whether a header entry is mandatory or optional for the recipient to process (Sect. 4.2.3 SOAP mustUnderstand Attribute).

Since W3C teaches SOAP, an industry accepted standard protocol, and James discloses a method and system conforming to SOAP, it would have been obvious to one of ordinary skill in the art at the time the invention was made, the request in James' system can be used to indicate whether a particular service extension is mandatory.

The combination of W3C and James disclose substantially all claimed limitations, except a plurality of applications; and in response to receiving the error date, sending the request from the application switching component to a second application of the plurality of applications, wherein the second application is different from the first application.

As shown in Figure 2, Preisig teaches a plurality of applications (HTTP GET or HTTP POST; XML or URL encoded, DADX or DTD resource file, and the associated action); and in response to the decision (36, 38, 40, 60, 64, 68), sending the request from the application switching component to a second application of the plurality of applications, wherein the second application is different from the first application (col. 4: line 4 – col. 5: line 19).

James, W3C, and Preisig disclose analogous arts, relating to methods and systems conforming to SOAP, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Preisig's method of switching between a plurality of applications in the combinations of James and W3C, motivated by the need of providing a more effective and flexible Web-based traffic for customers whose computers resided behind corporate or ISP firewall.

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Regarding claims 2-3 and 8-9, as shown in Figure 2 (Preisig), the combination of James, W3C, and Preisig also discloses:

determining at the application switching component whether none of the plurality of applications has the particular service extension (decision diamond 40); and

if it is determined that none has the particular service extension (XML – not SOAP), then sending, to the requesting process, error data indicating the particular service extension is not available (block 56); and

if it is determined that at least one of the plurality of applications has the particular service extension (XML – SOAP), then not sending, to the requesting process, error data indicating the particular service extension is not available (block 42), (Preisig: col. 4: lines 4-45).

Since W3C teaches SOAP, an industry accepted standard protocol, and James discloses a method and system conforming to SOAP, it would have been obvious to one of ordinary skill in the art at the time the invention was made, the request in James' system can be used to indicate whether a particular service extension is mandatory.

James, W3C, and Preisig disclose analogous arts, relating to methods and systems conforming to SOAP, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Preisig's method of switching between a plurality of applications in the combinations of James and W3C, motivated by the need of providing a more effective and flexible Web-based traffic for customers whose computers resided behind corporate or ISP firewall.

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Regarding claims 4 and 10, the combination of James, W3C, and Preisig also discloses:
the step of receiving the request for services is performed by receiving a request formatted according to the SOAP (James: abstract; W3C: whole document; and Preisig: col. 2: lines 6-13); and

the data indicating the particular service extension is mandatory is included in a mustUnderstand attribute associated with the particular service extension (James: col. 6: lines 13-17; and W3C: Sect. 4.2.3 SOAP mustUnderstand Attribute).

Since W3C teaches SOAP, an industry accepted standard protocol, and James discloses a method and system conforming to SOAP, it would have been obvious to one of ordinary skill in the art at the time the invention was made, the request in James' system can be used to indicate whether a particular service extension is mandatory.

James, W3C, and Preisig disclose analogous arts, relating to methods and systems conforming to SOAP, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Preisig's method of switching between a plurality of applications in the combinations of James and W3C, motivated by the need of providing a more effective and flexible Web-based traffic for customers whose computers resided behind corporate or ISP firewall.

Regarding claims 5 and 11, as shown in Figure 2, though the combination of James, W3C, and Preisig also disclose when a request service not available (block 40), sending to the requesting process advertising data indicating that another service (DAD) that appears to be

assembled out of the similar services is available at a network address of the application-switching component (blocks 42-48), (Preisig: col. 4: lines 4-61).

Since W3C teaches SOAP, an industry accepted standard protocol, and James discloses a method and system conforming to SOAP, it would have been obvious to one of ordinary skill in the art at the time the invention was made, the request in James' system can be used to indicate whether a particular service extension is mandatory.

James, W3C, and Preisig disclose analogous arts, relating to methods and systems conforming to SOAP, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Preisig's method of switching between a plurality of applications in the combinations of James and W3C, motivated by the need of providing a more effective and flexible Web-based traffic for customers whose computers resided behind corporate or ISP firewall.

Regarding claims 6 and 12, the combination of James, W3C, and Preisig also discloses: determining at the application switching component whether a timeout period has occurred; and if the timeout period has occurred, then sending, to the requesting process, error data indicating that the particular service extension is not available (James: col. 4: lines 42-62; and col. 6: lines 57-63).

Since W3C teaches SOAP, an industry accepted standard protocol, and James discloses a method and system conforming to SOAP, it would have been obvious to one of ordinary skill in the art at the time the invention was made, the request in James' system can be used to indicate whether a particular service extension is mandatory.

James, W3C, and Preisig disclose analogous arts, relating to methods and systems conforming to SOAP, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Preisig's method of switching between a plurality of applications in the combinations of James and W3C, motivated by the need of providing a more effective and flexible Web-based traffic for customers whose computers resided behind corporate or ISP firewall.

Regarding claim 17, the combination of James, W3C, and Preisig also discloses sending a mustUnderstand error message to the requesting client only when no second server is capable of selection (James: col. 6: lines 13-17; Preisig: col. 6: lines 4-61).

Since W3C teaches SOAP, an industry accepted standard protocol, and James discloses a method and system conforming to SOAP, it would have been obvious to one of ordinary skill in the art at the time the invention was made, the request in James' system can be used to indicate whether a particular service extension is mandatory.

James, W3C, and Preisig disclose analogous arts, relating to methods and systems conforming to SOAP, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Preisig's method of switching between a plurality of applications in the combinations of James and W3C, motivated by the need of providing a more effective and flexible Web-based traffic for customers whose computers resided behind corporate or ISP firewall.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen
Examiner
Art Unit 2151

vkn


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER